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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,992	09/25/2003	Takeshi Konno	HGM-113-A	4504

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,992

Applicant(s)

KONNO, TAKESHI

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 3/31/2/14/05/3/24.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The application of Konno for an “anti-theft device in motorcycle” filed September 25, 2003 has been examined.

This application claims foreign priority based on the application 2002-281258 filed September 26, 2002 in Japan. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

Claims 1-12 are pending.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 11 been renumbered 12.

Claim 1 is objected to because of the following informalities: “comprising::” should be “comprising:”. An appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Perillat et al. (US# 6,434,983).

Referring to claim 1, Yoshida et al. disclose an anti-theft device in a motorcycle (see Figures 1 to 3) having a receiver (19) (i.e. transceiver/receiver unit) that receives a release signal (i.e. a code signal) from a remote control (18) (i.e. a code transmitter) and a controller (20) (i.e. a code comparison circuit) that judges whether ID included in the release signal (i.e. a code signal) is coincident with pre-registered (i.e. a reference code) (column 4 lines 13 to 68; column 5 line 55 to column 6 line 4; see Figures 1 to 5), the anti-theft device comprising:

a holder (7) (i.e. a slot for the insertion of a mechanical key switch) provided with the motorcycle which holds the mechanical key); and

the controller (20) permitting the starting of an engine of the motorcycle when the controller (20) judges that the ID (i.e. a code) included in the release signal (i.e. a code signal) is coincident with the pre-registered ID (i.e. a reference code) and receives the detection signal

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from the detector (i.e. the push key switch signal) (column 5 line 65 to column 6 line 37; column 9 lines 24 to 68; see Figures 1 to 5 and 10 to 11).

However, Yoshida et al. did not explicitly disclose a detector that is provided with the holder.

In the same field of endeavor of a control device for a vehicle, Perillat et al. teach that a detector (i.e. a detector means) that is provided with the holder (12 and 13) (i.e. a support with a housing) (column 1 line 61 to column 2 line 45; see Figures 1 to 3) in order to provide a reliable signal and the best support to avoid accident while the vehicle is operating.

One of ordinary skilled in the art recognizes the need to add a detection mean to detect the presence of the key in the housing of Perillat et al. in a slot for the insertion of a mechanical key switch of Yoshida et al. because Yoshida et al. suggest it is desired to provide that a slot to hold a mechanical key to switch in order to allow the vehicle be operated (column 4 lines 13 to 68; see Figures 1 to 4) and Perillat et al. teach that a detection means in a support to detect a remote control key presence (column 2 lines 13 to 45) in order to command to start the vehicle engine. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a detection mean to detect the presence of the key in the housing of Perillat et al. in a slot for the insertion of a mechanical key switch of Yoshida et al. with the motivation for doing so would have been to provide safety and reliable to operate a motorcycle.

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Referring to Claim 2, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein the holder (12) is adapted to receive the remote control therein (column 2 lines 30 to 67; see Figures 1 to 3).

Referring to Claim 3, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein one of the remote control (11) and the holder (13) includes a cutout (see Figure 1); and the other of the remote control and the holder include a fitting part which securely fits into the cutout when the remote control is held by the holder (column 2 lines 4 to 65; see Figures 1 to 3).

Referring to Claim 4, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein engagement between the fitting part and the cutout helps to maintain the remote control in the holder while the motorcycle is running (column 2 lines 4 to 65; see Figures 1 to 3).

Referring to Claim 5, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein the holder is adapted to receive a substantial portion of the remote control therein (column 2 lines 4 to 65; see Figures 1 to 3).

Referring to Claim 6, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein the holder is adapted to receive most of the remote control therein (column 2 lines 4 to 65; see Figures 1 to 3).

Referring to Claim 7, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Perillat et al. disclose wherein the holder includes a recess on a front face thereof, the recess being shaped to securely receive a portion of the remote control inserted therein (column 2 lines 4 to 65; see Figures 1 to 3).

Referring to Claim 9, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose the anti-theft device is operatively associated with a steering handle locking mechanism (29) (i.e. steering lock) or a seat locking mechanism of the motorcycle (column 7 lines 22 to column 8 line 42; see Figures 4 to 11).

Referring to Claim 10, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose wherein the anti-theft device is operatively associated with both a steering handle locking mechanism (29) and a seat locking mechanism (11) of the motorcycle (column 4 lines 26 to 68; see Figures 3 and 4).

Referring to Claim 11, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose wherein the holder (7) is provided

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in the vicinity of the steering handle locking mechanism (29) (column 4 lines 26 to 68; see Figures 1 to 3).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Perillat et al. (US# 6,434,983) as applied to Claim 1, and in further view of Tatsukawa et al. (US#6,710,700).

Referring to Claim 8, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, however, Yoshida et al. in view of Perillat et al. did not explicitly disclose continues to receive the detection signal from the detector.

In the same field of endeavor of a control device for a vehicle, Tatsukawa et al. teach a control unit 35 continues to receive the detection signal (i.e. an attaching detection unit output signal) from the detector (34) (i.e. an attaching detection unit) (column 9 lines 8 to 25; column 10 line 36 to column 11 line 16; see Figures 1-2, 7 and 10) in order to check the electronic key transmitter from becoming detached from the attaching unit.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for using an attaching detection unit transmits enable signal to a control unit of Tatsukawa et al. in a control device for a vehicle of Yoshida et al. in view of Perillat et al. because continuous of checking the presence of an electronic key transmitter attaching to an attaching unit would improve the reliable and safety in operating a motor vehicle that has been shown to be desirable in the starting device for motorcycle of Yoshida et al. in view of Perillat et al.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Perillat et al. (US# 6,434,983) as applied to Claim 1, and in further view of Solow (US# 5,469,135).

Referring to Claim 12, Yoshida et al. in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, however, Yoshida et al. in view of Perillat et al. did not explicitly disclose further a mechanism for providing an audible indication when the remote control is extracted from the holder.

In the same field of endeavor of a vehicle security system, Solow teaches a mechanism (58) (i.e. a sounding device) for providing an audible indication (i.e. a horn or chirp) when the remote control (18) (i.e. a lock) is extracted from the holder (14) (i.e. a lock plates) (column 1 line 65 to column 2 line 15; column 2 lines 39 to 58; see Figures 1-4) in order to alert the user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to add a sounding device to provide an audible tone when the remote control is removed from a lock plates in a vehicle security system of Solow in a control device for a vehicle of Yoshida et al. in view of Perillat et al. because adding an audible alert when the control device is removed would improve the reliable and safety in operating a motor vehicle that has been shown to be desirable in the starting device for motorcycle of Yoshida et al. in view of Perillat et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Enoyoshi et al. (US# 6,525,433) disclose a method of preventing car thefts.

Nakajima (US# 6,040,763) discloses a vehicle theft prevention device with a low powered receiver.

Banks et al. (US# 6,028,507) disclose a security system for motor vehicles.

Goto et al. (US# 5,982,295) disclose an anti-theft device having excellent identification code overwriting capabilities.

Kokubu et al. (US# 5,745,026) disclose a vehicular communication system using an ignition key.

Futami et al. (US# 4,898,010) disclose a keyless entry system for automotive vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
September 16, 2005



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